

Intermountain Region  
National Park Service  
U.S. Department of the Interior

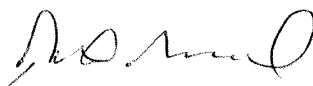


## **CEDAR BREAKS NATIONAL MONUMENT**

### **36 CFR 1.7(b), COMPENDIUM**

**2014**

The Cedar Breaks National Monument Compendium as dated is hereby approved and will remain in effect until either rescinded or superseded.

Approved:  July 1, 2014  
Superintendent Date

Document with original signature on file in the Cedar Breaks National Monument  
Superintendent's Office

# CEDAR BREAKS NATIONAL MONUMENT

## 36 CFR 1.7 (b) Compendium

### Authority

Under the authority of 16 U.S.C. Section 3, and Title 36, Code of Federal Regulations, Chapter 1, Parts 1 - 7, a Superintendent's Orders Compendium is established for Cedar Breaks National Monument. Regulations in this compendium are requirements in addition to those listed in the specific section found in Title 36 unless otherwise noted. The specific authority for this regulatory procedure is found in Sections 1.5, 1.6, and 1.7 of Title 36.

### DESIGNATIONS, CLOSURES, PERMIT REQUIREMENTS AND OTHER RESTRICTIONS

#### **§1.5 Closures and Public Use Limits**

Note: Violations under this section should be cited under §1.5(f), but include the specific compendium section as a subheading on the citation. As always, mandatory appearance citations are an option in lieu of the collateral.

(a) (1)

**All areas of the park are closed to camping except in designated sites in the established Point Supreme Campground during all periods in which all park roads are open to vehicle travel. During winter when the main park road is closed by snow, camping is permitted on the rim of the "breaks" except within 100 yards of any park road, trail, or developed facility.**

**Justification:** The superintendent has determined that those areas above the canyon rim be closed to camping except in the campground due to their proximity to roads, trails, and other heavy day use areas to avoid conflict with day use park visitors. Camping on the rim area also poses a threat to species of threatened and endangered wildflowers found in the monument. These problems do not occur in winter, so camping is permitted except in the vicinity of park facilities to avoid sanitation problems after winter snows have melted.

This section of the Superintendent's Compendium has been clarified to include all areas of the park as being closed to camping, with the exceptions noted above. The geologic amphitheater located below the rim, from approximately 10,600 feet in elevation down to 8,200 feet in elevation and including some 4,700 acres, is designated as a Research Natural Area. Research Natural Areas are part of a national network of field ecological

areas designated for research and education and/or to maintain biological diversity and are to be managed for baseline inventory studies and long-term ecological observation. The Cedar Breaks Amphitheater Natural Area is one in which natural processes have been allowed to continue with very little man-caused disturbance. The area contains relic vegetation sites that have been unaltered by the effects of grazing. The superintendent has determined that there has been no significant demand for overnight use below the rim of the breaks. No formal trails have been established into the breaks, and backcountry camping opportunities exist in the Ashdown Gorge Wilderness Area of the Dixie National Forest, which borders the Research Natural Area on the south, west, and north. In order to protect these significant undisturbed areas within the geologic amphitheater from the adverse impacts of human waste, soil compaction, and man-caused fire danger that are related to overnight backcountry use, the area below the rim of the breaks will be closed to camping.

(a) (1) (i)

**Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Zion National Park is prohibited except as approved in writing by the Superintendent.**

**Definition:** The term “unmanned aircraft” means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

**Justification:** Use of “unmanned aircraft” within Cedar Breaks is not a compatible use with the purpose of Cedar Breaks as detailed in the Park Management Plan for wilderness management, preservation of natural soundscape, natural resources and visitor experience based on noise, lack of appropriate landing sites, visitor safety, conflicts with wildlife including endangered species, conflicts with motor vehicle traffic, and intrusion on other visitors’ enjoyment of the park. Less restrictive use of “unmanned aircraft” will not provide the protection to wildlife such as California Condor or the visitor experience of solitude and natural quiet in Cedar Breaks proposed wilderness.

## **§1.6 Activities Requiring a Permit**

(f)

**The following activities enumerated by individual section require a permit issued by the Superintendent subject to additional requirements, as applicable:**

§2.5                      Collection of research specimens.

§2.12 (a) (2)          Operating a power saw.

(a) (3)                  Operating a portable motor or engine in an undeveloped area.

- §2.17 Delivery of persons or objects by airborne means.
- §2.38 Transport or possession of explosives.
- §2.50 Special events.
- §2.51 Public assemblies.
- §2.52 Sale or distribution of printed matter.
- §2.61 Residing on federal land.
- §2.62 Memorialization.
- §5.3 Business operations.
- §5.5 Commercial filming and photography.
- §5.6 Commercial vehicles.
- §5.7 Construction of buildings or other facilities.
- §2.1 Preservation of natural, cultural and archeological resources.

(c) (1 & 2)

This paragraph gives the Superintendent the option of designating certain fruits, nuts, berries, and fungi which may be gathered for personal use or consumption upon a written determination that the gathering or consumption will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources. No such determination has been made, and so the gathering, consumption, possession, or removal of any natural product from within park boundaries is prohibited, except under the provisions of section 2.3, Fishing.

## §2.2 Wildlife protection.

(d)

The transportation of lawfully taken wildlife is permitted only on the main park roads which consist of the extension of Route 148 from the south park boundary to the intersection with Route 143 and upon Route 143 from the north park boundary to the east park boundary.

**Justification:** The Superintendent has determined these conditions for transport of legally taken game reflect past practice and are necessary for individuals seeking to follow state hunting regulations. It is not the intent of the Superintendent to impede activities such as legitimate hunting in state regulated areas near the park. The Superintendent has determined that transport of lawfully taken wildlife across other areas of the park is not necessary for orderly or reasonable flow of traffic between an individual's residence and place of legal taking of wildlife.

(e)

**The entire park is closed to the use of artificial light for the purpose of viewing wildlife.**

**Justification:** The Superintendent has determined that viewing wildlife at night with the use of an artificial light constitutes "...teasing, frightening or intentional disturbing" of wildlife, which is specifically prohibited in 36 CFR 2.2 (a) (2). This closure of the park to the use of artificial light for viewing wildlife is consistent with the regulations in other nearby national parks.

## §2.10      **Camping and food storage.**

- (a) (1)      Camping in individual campsites within the developed campground is limited to two camping units (tents and/or recreational vehicles) per site, and eight persons per site. No more than two vehicles may be parked at any individual site and these vehicles must be parked completely on the graveled parking pad provided at the site. Tents must be erected within a 25-foot radius of the permanent fire grate that has been installed at each site.
- (a) (2)      No person, party or organization shall be permitted to camp in the developed campground for more than 14 days at any one time nor more than 30 days within a calendar year.
- (a) (4)      The installation of sports or other recreational equipment such as volleyball nets, horseshoe pits and stakes, etc., is prohibited.
- (a) (5)      Groups may use the campground amphitheater for campfires, meetings, etc., provided that such use does not conflict with park interpretive programs. Prior permission must be obtained from the Superintendent for such use. Group size cannot exceed the seating capacity of the amphitheater (approximately 50 persons).

**Justification:** The Superintendent has determined that in the interest of protection of environmental or scenic values, implementation of management responsibilities and equitable allocation and use of facilities that certain restrictions are needed on camping activities. As camping is an intensive use of park resources, management needs a clear understanding of impact in different areas and the authority to control this impact for the general public good. Without site restrictions in developed campgrounds, persons may expand the campsite physically or convert it to a group site or other purposes not consistent with general intent and the fair administration of camping fees. Limitations on camping days provide the opportunity for a camping experience to the greatest number of people in heavy use campgrounds and assures the park is not used as a semi-permanent residence beyond the intent in providing the facility. These restrictions follow past practice over an extended period of time. Installation and use of sports equipment has resulted in damage to park resources in the past and is not consistent with the purpose for which the campground is provided.

## §2.11      **Picnicking.**

The installation of sports or recreational equipment such as volleyball nets, horseshoe pits and stakes, etc., or the use of the picnic area for races or other activities not consistent with the intent of providing this facility are prohibited.

**Justification:** The Superintendent has determined that the installation of sports equipment and the engaging in activities not consistent with the intent of the picnic

facility has resulted in damage to park resources.

## **§2.13 Fires.**

(a) (1) (i)

Campfires are permitted only in designated sites in the campground and picnic area and must be in government provided fire grates and grills or in private enclosed grills, where no scorching of the ground surface occurs. If a private enclosed grill is used, all ashes and coals must be thoroughly extinguished, cooled and removed from the park or placed in trash receptacles.

**Justification:** The Superintendent has determined that in the interest of protection of environmental or scenic values, natural resource protection and public safety, certain restrictions on fires are necessary. Campground and picnic area fire receptacles are designed to minimize the risk of sparks igniting nearby flammable materials, and their controlled location helps prevent recreation sites from becoming unsightly. Persons desiring to use private grills do not compromise park management concerns in most instances when common safety procedures are followed.

Fire restrictions do not affect the use of stoves or lanterns, as some means of cooking is necessary for camping, and the use of these devices, which are easily extinguished, poses minimal threat to the park resources. These restrictions reflect past practice.

## **§2.14 Sanitation and refuse.**

(b)

In non-developed areas, human body waste must be buried at least 6 inches deep. Associated paper must be carried out of non-developed areas.

**Justification:** The Superintendent has determined that human body waste is a threat to public health and environmental or scenic values. Backcountry use demands thoughtful consideration of others in the successive use of resources. This requirement is common sense as well as long standing management practice.

## **§2.16 Horses and pack animals.**

This section gives the Superintendent the option of designating those areas where horses and pack animals are permitted, leaving all other areas closed to such use. The Superintendent has determined that no areas within Cedar Breaks National Monument will be open to horse use. This is to provide for public health, protection of environmental values and natural resources and avoidance of conflict among visitor use activities. Easily damaged vegetation types on the rim area and steep, crumbly, easily eroded slopes in the lower canyons are not compatible with horse use. Park trails receive heavy day use by hikers and are short and narrow and have not been constructed for horse use impact.

## **§2.17 ATV's and OHV's.**

Any off highway vehicle (OHV), all terrain vehicle (ATV), or other motorized conveyance manufactured for recreational non-highway, off road, or all terrain travel (all-terrain type I or type II vehicles, as defined by Utah State Code Annotated 41-22-2) is prohibited. 36 CFR 1.5.

**Justification:** The use on park roads of off highway vehicles (OHVs), all terrain vehicles (ATVs), and other motorized conveyances manufactured for recreational non-highway, off road, or all terrain travel poses a significant risk to park resources and values which cannot be appropriately mitigated, and which cannot be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the parks and monuments.

## **§2.18      Snowmobiles.**

Pursuant to this section, a special regulation (Title 36, Code of Federal Regulations, Section 7.52) has been promulgated to permit snowmobile use on designated sections of the unplowed roadway in the park. Use of snowmobiles on other than the designated routes is prohibited.

## **§2.19      Winter activities.**

- (a) All areas of the park, including routes designated as open to snowmobiles, are open to skiing and snowshoeing.

**Justification:** The Superintendent has determined that although there is some potential conflict between snowmobiles and skiers/snowshoers, both activities can be accommodated along the road corridor. While snowmobile use is restricted to designated areas, the entire park is open to use by skiers and snowshoers.

## **§2.21      Smoking.**

- (a) (1) Smoking is prohibited in all park buildings except residences.
- (a) (2) During times of high fire danger, smoking may be prohibited in all areas of the monument by the posting of appropriate signs at park entrances.

**Justification:** In the interest of fire prevention and to avoid conflicts between smokers and non-smokers in public buildings and the work place, all buildings except residences are closed to smoking. Resident employees may smoke or permit smoking in their residence. Conflicts over smoking in residences will be dealt with by the Superintendent if they affect living or working conditions within the park area. Prevention of man-caused wildfire may necessitate the closing of all areas of the park to smoking.

## **§2.22      Property.**

- (a) (2) (i) Visitors on backcountry trips within the monument may leave legally parked vehicles unattended for the duration of their trip. The Superintendent must be notified prior to

leaving such a vehicle in the monument.

- (a) (2) (ii) Disabled vehicles may be left for longer than 24 hours provided that they are legally parked and the owner has contacted the Superintendent, who will grant the owner permission to leave the vehicle for a prescribed length of time.

**Justification:** The Superintendent has determined that vehicles legally parked for longer than 24 hours do not conflict with other park uses while the owners are engaged in legitimate park activities. This is consistent with past practices. However, the Superintendent does not intend for park parking areas to be used as long term parking for non-park users. Permission to leave disabled vehicles legally parked will be granted if the owner is making reasonable attempts to remove the vehicle promptly.

## **§2.35 Alcoholic beverages and controlled substances.**

- (a) (3) Consumption of alcoholic beverages in the visitor center is prohibited.

**Justification:** The Superintendent has determined that the use of alcoholic beverages in the visitor center would conflict with the primary purpose of that building as a park museum and information center.

## **§4.11 Load, weight and size limits.**

- (a) When posted as such, and generally beginning at the seasonal spring opening of the Cedar Breaks Scenic Drive (a.k.a. S.R. 148 from the park's south boundary to its junction with S.R. 143), the Cedar Breaks Scenic Drive is closed to vehicles that have a Gross Vehicle Weight Rating of 26,000 lbs. or more, until it is determined by the Superintendent that the road base and road shoulders have dried sufficiently and postings are removed.

**Justification:** Due to heavy snowloads at the park's elevation, the soil along the margins and shoulders of the road is saturated with snowmelt from the deep snowbanks on the roadside for several weeks following the road opening each spring. Overnight freezing temperatures, with rising daytime temperatures, results in a freeze-thaw cycle in the soil of the strata underlying the road. The weight of heavy traffic, coupled with the freezing and thawing of soil moisture beneath the road, results in a rapidly accelerated deterioration of the road surface and margins.

The Superintendent has adopted the recommendations of the Federal Highway Administration, and comments received by the Utah Dept of Transportation and other state and federal agencies and the public during a scoping process in 2004 to put in place a temporary ban on heavy traffic (defined as vehicles with a GVWR of 26,000 lbs. or more) during the spring thaw. The amount of time these restrictions will be posted and remain in place will depend upon the time it takes for the soil beneath the road to adequately dry and the freeze-thaw cycle to end. Sensors buried in the road base are used to measure soil moisture content and temperature. Data from these sensors will be used to determine when the road base can withstand heavy loads without damage. Once conditions along the roadside have dried out and warmed up, heavy traffic can resume without causing significant break-up of the road base.



#### §4.21

#### Speed Limits

(b)

The speed limit on all park roads is 35 MPH, except for that section of the Cedar Breaks Scenic Drive between the campground service road and the cabin service road where it is 25 MPH. Other speed limits may be posted due to unforeseen circumstances.

**Justification:** The Superintendent has determined that due to the nature and character of the park roads and their association with existing visitation, a speed limit 35 miles per hour is appropriate along most of the park road, unless otherwise posted or when conditions for safe travel dictate otherwise. The Cedar Breaks Scenic Drive and that portion of S.R. 143 within the park were originally built as scenic drives intended for visitors to enjoy the views from along the road and from overlooks adjacent to the road. Roads through the park are typical of narrow and winding mountain roads, and accommodate visitor traffic for the main purpose of sightseeing. That section of the park road between the campground and visitor center often has slow, turning traffic, pedestrian traffic, bicycle traffic, and short sight distances, requiring a slower speed limit for the safety of motorists and other park visitors.